

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Catherine Elliott	Team: Team # 8	CCRB Case #: 200000688	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/08/2000 9:00 AM	Location of Incident: inside the 120 pct. station house	Precinct: 120	18 Mo. SOL 8/8/2001	EO SOL 8/8/2001	
Date/Time CV Reported Wed, 02/09/2000 1:40 PM	CV Reported At: Precinct	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/10/2000 10:29 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Joseph Gulotta	01082	900369	ND SII
2. DT3 Victor Villarreal	07290	899957	ND SI I

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 George Boan	00232	913607	ND SI I

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Joseph Gulotta	Abuse: Det. Joseph Gulotta did not provide his name or shield number to § 87(2)(b)	
B.DT3 Victor Villarreal	Abuse: Det. Victor Villarreal did not provide his name or shield number to § 87(2)(b)	

### Synopsis

The complainant, § 87(2)(b) was arrested § 87(2)(b) by a narcotics team. While transporting § 87(2)(b) the officers had an altercation with another prisoner, during which § 87(2)(b)'s handcuffs were tightened. To aid him in filing a complaint about the officers' refusal to loosen the handcuffs, § 87(2)(b) allegedly tried to obtain the officers' badge numbers and names when they reached the precinct. Both officers allegedly refused. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

### Summary of Complaint

On Feb. 8, 2000, at approximately 7:30 PM, § 87(2)(b) was arrested by Detective George Boan § 87(2)(b). He made his complaint over the telephone to the 120<sup>th</sup> precinct two days later, on Feb. 10. In his initial complaint (Enc. 4A), he stated that his handcuffs were too tight and that officers refused to provide their shield numbers.

§ 87(2)(b) provided a full statement of this incident on March 1, 2000 (Enc. 6A – 6D). He stated that he was arrested § 87(2)(b) on his way to a basketball game. Two officers emerged from a van and placed him in handcuffs. After he was placed in the van, one of the officers began struggling with another prisoner (§ 87(2)(b) § 87(2)(b)) and accidentally landed on top of § 87(2)(b). This caused his handcuffs to tighten considerably, and § 87(2)(b) asked the officers to loosen the cuffs. They refused to do so, and § 87(2)(b) remained uncomfortable in his handcuffs for the next hour until they arrived at the 120<sup>th</sup> precinct.

§ 87(2)(b) was upset about his handcuffs being so tight and wanted to complain about these officers. At the station house, § 87(2)(b) asked both officers for their names and shield numbers. They refused to tell him (allegations A and B). The shorter of the two officers from the van, described as a short white male with a gut, was asking § 87(2)(b) for his name and personal information; he replied by asking the officer for *his* name and shield number. The shorter officer told him that his name would be on a report, so he did not need to know it at that time.

Later, the other officer from the van, described as taller, with glasses, walked by with his shield exposed. § 87(2)(b) was on the phone with his girlfriend at the time; he saw the shield number, 4883, and told her to write it down. The taller officer put his shield inside his shirt when § 87(2)(b) did this; other officers did the same.

### Results of Investigation

§ 87(2)(b) statement that the two officers in the prisoner van refused to loosen his handcuffs is not addressed as an allegation. § 87(2)(b) did not state that the handcuffs were too tight when the officers initially placed them on him. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

#### Witnesses:

There were no civilian witnesses to this allegation.

#### Detective Boan:

Detective George Boan was interviewed at the CCRB on October 18, 2000 (Enc. 9A – 9C). Detective Boan was in the West Brighton/Mariners Harbor area on the evening of this incident with Sergeant Sullivan and a Staten Island narcotics team. Detective Boan stated that he and others stopped and arrested § 87(2)(b), but he did not witness anything that happened in the prisoner van. He is aware that one or more of the prisoners was “acting up” inside the van. By the time Detective Boan returned to the station house, the on-line booking sheets for the four prisoners were completed. He fingerprinted the prisoners and completed the arrest processing. His shield was always exposed on a chain around his neck, as it will be

when he is in an outside command like the 120. Detective Boan does not recall § 87(2)(b) asking for his shield number at any time.

Detective Gulotta:

Sergeant Joseph Gulotta held the rank of Detective at the time of this incident. He was interviewed at the CCRB on October 19, 2000 (Enc. 7A – 7C). Det. Gulotta was assigned to the Staten Island Narcotics division at the time. His memo book indicates that he was at Mariners Harbor conducting case buys at the time of this incident, with Detective Villareal in the prisoner van.

The narcotics team was in the area conducting both buy-and-bust and long-term operations. § 87(2)(b) was arrested § 87(2)(b) during this time. Sergeant Gulotta and his p-van partner, Detective Villareal, stopped § 87(2)(b) and, with shields exposed, arrested him. He gave the officers no problems until they discovered that he had somehow moved his handcuffs from his rear to the front. When Sergeant Gulotta asked him why he had done that, § 87(2)(b)'s response was, "In case I have to get your gun and kill you guys – I can do that, I'm a black belt in Karate." This seemed strange, as there had not been any problems with § 87(2)(b) before this time.

At the same time, another prisoner, § 87(2)(b) § 87(2)(b) was acting up and was attempting to assault the officers. The detectives restrained § 87(2)(b) § 87(2)(b) and transported the prisoners to the 120 precinct. At the precinct, stated Sergeant Gulotta, the narcotics detectives always have their shields exposed. They are in plain clothes, and must always be easily identified as officers. Sergeant Gulotta is unaware of any problems after that point with § 87(2)(b). He was never asked for his name or shield number – in fact, Sergeant Gulotta stated that § 87(2)(b) actually referred to him by name. He does not know how § 87(2)(b) learned his name. Sergeant Gulotta does not know of § 87(2)(b) asking for any other officer's name or of any officer concealing his shield intentionally. He does not know of § 87(2)(b) giving any trouble to Detective Boan in the station house.

Detective Villareal:

Detective Victor Villareal was interviewed at the CCRB on January 10, 2001 (Enc. 8A – 8B). He did not have access to his DAR prior to the interview. However, when prompted with information that he was reported to be Det. Gulotta's partner, and when given the location and the name of § 87(2)(b) § 87(2)(b) (the man reported to be in the prisoner van with the complainant), Det. Villareal recalled details of the incident and trusted that he was indeed on duty as Det. Gulotta's partner. He was in plainclothes at the time. Det. Villareal knows § 87(2)(b) § 87(2)(b) from around the neighborhood, but does not think he had ever seen § 87(2)(b) § 87(2)(b) before or since the incident in question.

Det. Villareal was the operator of the prisoner van on February 2, 2000. They had arrested § 87(2)(b) and § 87(2)(b) and were planning possibly to pick up other prisoners before returning to the station house. § 87(2)(b) § 87(2)(b) was violent, however, and they eventually opted to take just the two to the station house before returning to pick up other prisoners. § 87(2)(b) was seated in the back of the van. § 87(2)(b) § 87(2)(b) was in the front of the van, right behind the front seat. The detectives took the pedigree information while sitting in the front seat of the van. As they were driving away, § 87(2)(b) § 87(2)(b) began kicking at Det. Villareal's shoulder and the back of his seat. He was yelling and threatening the officers. Det. Villareal decided that it was not safe to drive with a prisoner who was being so irate, so he put the van in park and slipped back between the seats to calm him down, and to get him to move to the back of the van. Det. Villareal was holding § 87(2)(b) § 87(2)(b) around the shoulders from behind him when § 87(2)(b) § 87(2)(b) lunged back and threw the officer against the back of the van. He reported that he did not fall against § 87(2)(b) at that time. § 87(2)(b) § 87(2)(b) was acting tough, and threatening the officers, and Det. Villareal reported that § 87(2)(b) was getting into the yelling as well. Det. Villareal does not recall specifically whether § 87(2)(b) asked to have his handcuffs loosened, but he stated that he would not have loosened them had the request been made, because the situation was volatile. He explained that he would loosen the cuffs for a prisoner if everyone were being civil and not threatening. In this case, he would not have wanted to return to the back of the van. When § 87(2)(b) § 87(2)(b) was subdued, Det. Villareal drove straight to the precinct, where the men were processed. Det. Villareal does not recall specifically, but stated that he was probably the officer who fingerprinted § 87(2)(b) because that is the responsibility of the officers assigned to the prisoner van. He does not recall a time when § 87(2)(b) was on the telephone. He does not recall any specific interaction

with § 87(2)(b) in the precinct, but does not deny that they may have interacted during the course of the fingerprinting. Det. Villarreal stated that he is certain he did not deny his shield number from § 87(2)(b) because he has no reason to do so, and he never cares whether his prisoners have it. He stated that, sometimes he even puts his shield outside his clothes when he is making the initial arrest because it provides more authority to an officer in plain clothes.

Det. Villarreal confirmed that the information on the OLBS was in his handwriting. He stated that his name and or shield was sure to be on some of the paperwork for the arrest, even though he was not the arresting officer. He denies telling § 87(2)(b) that his name would be on the paperwork, rather than providing his name or shield number.

#### Documents:

Documents used in this investigation include: the OLBS for § 87(2)(b) (Enc. 12A), the property voucher index for February 2, 2000 (Enc. 16A – 16B), the property voucher for § 87(2)(b) (Enc. 15A), the criminal court complaint of Det. George Boan (Enc. 18A), the prisoner roster of the 120 precinct for Feb. 2, 2000 (Enc. 17A – 17B), and the roll calls from Narcotics Borough Staten Island (Enc. 10A) and the 120 precinct (Enc. 11A – 11L).

### **Conclusions and Recommendations**

#### Officer Identification:

Det. Gulotta was initially identified by his shield number, which § 87(2)(b) recalled during his interview. Det. Boan was confirmed to be § 87(2)(b)'s arresting officer from his OLBS. Det. Villarreal was identified from Det. Gulotta's testimony, and later by his independent recollection. All three officers are on the roll call for the Narcotics Borough Staten Island. Det. Villarreal acknowledges that the handwriting on the OLBS is his writing, and that officers generally fill out the form while in the prisoner van. Both Det. Villarreal and Det. Gulotta fit § 87(2)(b)'s description of the subject officers. Det. Boan, according to all testimony, was not present in the prisoner van, and was not present during the alleged incident. § 87(2)(g)

It is certain that § 87(2)(b) was arrested § 87(2)(b), and it is certain that he was in the prisoner van with § 87(2)(b) § 87(2)(b) who engaged in a physical struggle with one of the officers in question.

§ 87(2)(g)

#### Complainant Credibility:

§ 87(2)(b), § 87(2)(g)

His initial cause for complaint was the officers' refusal to loosen his handcuffs. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

#### Officer Credibility:

Both Det. Gulotta and Det. Villarreal recall a struggle with § 87(2)(b) § 87(2)(b) that took place in the prisoner van. Both recall the presence of § 87(2)(b) and that he was agitated in some way along with § 87(2)(b) § 87(2)(b). Both deny refusing their names or shield numbers upon § 87(2)(b)'s request while in the precinct. § 87(2)(g)

§ 87(2)(g)

He did not recall any interaction in the precinct. However, he did not deny that interaction may have taken place, and indeed thought that it was likely.

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Allegations A and B:

§ 87(2)(b), § 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: